

## Message Text

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45

ACTION EB-11

INFO OCT-01 EUR-25 NEA-10 ADP-00 IO-13 OIC-04 AF-10 ARA-16

EA-11 RSC-01 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-10 PA-03 PRS-01 SS-15 USIA-15 DOTE-00

CAB-09 COME-00 FAA-00 RSR-01 /179 W

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R 291115Z AUG 73

FM AMEMBASSY ROME

TO SECSTATE WASHDC 0467

INFO AMCONSUL MONTREAL

AMEMBASSY PARIS

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY BEIRUT

AMEMBASSY TEL AVIV

US MISSION UN NEW YORK 1639

UNCLAS ROME 8826

US ICAO DELEGATION

E.O. 11652: N/A

TAGS: PINS, ETRN, PFOR

SUBJECT: CIVAIR: ROME CONFERENCE/ASSEMBLY: REPORT OF  
TUESDAY, 28 AUGUST, MEETINGS

MONTREAL FOR US REP ICAO

1. FIRST SESSION OF THE DIPLOMATIC CONFERENCE CONVENED THIS  
AM, MR. WALTER BINAGHI, PRESIDENT OF THE ICAO COUNCIL,  
PRESIDING. SEVENTY-SEVEN (77) COUNTRIES (LATER THE TOTAL  
REPORTED AS NINETY-THREE (93), FIVE INTERNATIONAL  
ORGANIZATIONS REGISTERED, WITH A TOTAL OF 355 DELEGATES.  
THE GROSSLY INADEQUATE MEETING HALL WAS VERY CROWDED AND SOME  
MEMBERS OF VARIOUS DELEGATIONS WERE STANDING. BINAGHI'S  
OPENING SPEECH EMPHASIZED THAT THE EXISTING POWERS OF THE ICAO  
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COUNCIL WERE NOT EFFECTIVE TO RESOLVE ISSUES INVOLVING DISPUTES

BETWEEN STATES.

2. A LEBANESE PROPOSAL FOR INSCRIPTION OF AN ADDITIONAL AGENDA ITEM, QTE INCLUSION IN THE CONVENTIONS PROVISIONS CONCERNING UNLAWFUL ACTS COMMITTED BY STATES UNQTE WAS ACCEPTED UNANIMOUSLY.

3. BELGIUM PROPOSED, AND LEBANON SECONDED, ANOTHER NEW AGENDA ITEM, QTE CONSIDERATION OF THE DRAFT CONVENTION PUBLISHED UNDER CAS DOC. 12 UNQTE (THE BELGIAN PROPOSAL) WHICH WAS ACCEPTED UNANIMOUSLY.

4. THE CONFERENCE THEN CONSIDERED THE PROVISIONAL RULES OF PROCEDURE. GILBERT GUILLAUME OF FRANCE FORMALLY PROPOSED THE FRENCH-UK-SWISS ALTERATION OF RULE 20 OF PROVISIONAL RULES OF PROCEDURE, WITH EFFECT OF MAKING ABSTENTIONS COUNT AS NEGATIVE VOTES. GUILLAUME STATED THAT THIS ALTERATION SHOULD NOT BE CONSIDERED PRECEDENT SETTING. THE TEXT OF THE PROPOSAL IS: QTE ANY DRAFT CONVENTION SHALL BE ADOPTED BY A TWO-THIRDS MAJORITY OF THE TOTAL NUMBER OF STATES REPRESENTED AT THE CONFERENCE. THE PROVISIONS OF THIS RULE SHALL PREVAIL OVER THOSE OF RULE 20 UNQTE. THE PROPOSAL WAS ADOPTED BY A VOTE OF 37 IN FAVOR, 34 (U.S.) AGAINST.

5. A WELL-ORCHESTRATED FRENCH-ARAB-AFRICAN EFFORT FOLLOWED GUILLAUME'S SPEECH. REPRESENTATIVES OF THESE BLOCS (EGYPT, ALGERIA, SENEGAL, AND QATAR) SPOKE IN FAVOR OF ALTERING RULE 20. THEIR ARGUMENTS BASED ON ALIGNING CONFERENCE ADOPTION PROCEDURES WITH ASSEMBLY PROCEDURES AND ALSO CLAIM THAT TOUGHER ADOPTION STANDARDS JUSTIFIED BY UNIQUE SUBJECT MATTER (CALLED QTE SANCTIONS UNQTE BY SENEGAL) BEFORE THE CONFERENCE. THE US DEL ANTICIPATING THIS EFFORT HAD FASHIONED DEFENSE IN CO-ORDINATION WITH SEVERAL DELEGATIONS INCLUDING SOVIETS. CANADA, BELGIUM, SWEDEN, NETHERLANDS, AND THE U.S. SPOKE AGAINST ALTERING RULE 20. SIGNIFICANTLY, DESPITE AVOWED OPPOSITION TO RULE 20 ALTERATION, SOVIET DELEGATION CONTRARY TO STATEMENTS MADE TO US DEL, DID NOT SPEAK. SOVIETS DID, HOWEVER, VOTE AGAINST ALTERATION OF RULE. SUCCESS OF U.S. EFFORTS TO GET OTHER DELEGATIONS TO MOVE IN FRONT ON THIS ISSUE WAS LIMITED TO ABOVE-MENTIONED STATEMENTS. AS A RESULT, US DEL FELT UNCLASSIFIED

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COMPELLED TO SPEAK.

6. OUTLINE US DELEGATE'S STATEMENT FOLLOWS: (1) PRESENT RULE 20 USED AT HAGUE AND MONTREAL CONFERENCES AND COUNTLESS OTHER CONFERENCES UNDER UN AUSPICES. THIS RULE ENSHRINED IN VIENNA CONVENTION ON LAW OF TREATIES; (2) ALTERATION WOULD CREATE A PRECEDENT WHICH COULD SERIOUSLY JEOPARDIZE EFFORTS AT POSITIVE LAWMAKING THIS

AND FUTURE DIPLOMATIC CONFERENCES; (3) A STATE SHOULD BE ENTITLED TO RETAIN THE RIGHT OF ABSTENTION FROM A NEW CONVENTION WITHOUT ITS ABSTENTION BEING COUNTED AS A NEGATIVE VOTE; (4) THE PROPOSALS BEFORE THE CONFERENCE AND THE ASSEMBLY ARE NOT MUTUALLY EXCLUSIVE BUT COMPLEMENTARY (AS PREVIOUSLY NOTED BY ALGERIA). SINCE PROPOSALS ARE NON-COMPETING THERE IS NO NEED FOR MAKING THE ADOPTION OF INSTRUMENTS IN THE CONFERENCE SUBSTANTIALLY MORE DIFFICULT; AND (5) AMENDMENT TO CHICAGO SHOULD BE DIFFICULT, SINCE THEY WOULD BECOME PART OF ICAO CONSTITUTION.

7. THE U.S., SEEING SOVIETS NOT SPEAKING, DECIDED TO GET REQUEST FOR A ROLL-CALL VOTE TO HIGHLIGHT SOVIET OPPOSITION. THOUGH A DELEGATE AGREED TO SO MOVE, FOR UNEXPLAINED REASONS HE DID NOT DO SO. THE STANDING VOTE DEMONSTRATED ADHESION OF FRANCO-ARAB-AFRICAN BLOC. WESTERN AND EUROPEAN STATES WERE GENERALLY IN FAVOR OF NOT ALTERING RULE. SOME EAST AFRICANS APPARENTLY ABSTAINED THOUGH NO CALL FOR ABSTENTIONS WAS MADE. AFTER VOTE, SOME DELEGATES OPINED TO US DEL THIS VOTE WAS DISMAL BELLWETHER FOR SUCCESS OF DIPLOMATIC CONFERENCE.

3. THE REST OF PROCEDURAL RULES ADOPTED WITHOUT DISCUSSION.

9. CHAIRMAN APPOINTED CREDENTIALS COMMITTEE COMPOSED OF CANADA, ECUADOR, ETHIOPIA, INDONESIA AND POLAND.

10. IT WAS AGREED BY CONSENSUS THAT THE CONFERENCE, AFTER OPENING STATEMENTS, WOULD BE CONVENED AS A COMMITTEE OF THE WHOLE TO EXPEDITE ITS WORK. IT WAS ALSO AGREED THAT THE CHAIRMAN OF THE CONFERENCE WAS TO ALSO SERVE AS CHAIRMAN OF THE COMMITTEE OF THE WHOLE.

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1. EB/OA/AVP PASS THIS MESSAGE TO ATA AND ALPA, (JACK BAVIS, TELEPHONE 797-4027).VOLPE

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NNN

## Message Attributes

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**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
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**Decaption Date:** 01 JAN 1960  
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